

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE STATE STREET BANK AND	:	
TRUST CO. FIXED INCOME FUNDS	:	MDL No. 1945
INVESTMENT LITIGATION	:	
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NING YU, On Behalf of Himself and All	:	
Others Similarly Situated,	:	
	:	
Plaintiff,	:	No. 08 Civ. 8235 (RJH)
	:	
vs.	:	ECF CASE
	:	
STATE STREET CORPORATION, STATE	:	Electronically Filed
STREET GLOBAL ADVISORS, LYNN L.	:	
ANDERSON, STEVEN J. MASTROVICH,	:	
WILLIAM L. MARSHALL, PATRICK J.	:	
RILEY, BRUCE D. TABER, RICHARD D.	:	
SHIRK, HENRY W. TODD, MARK E.	:	
SWANSON, and PETER G. LEAHY,	:	
	:	
Defendants.	:	
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INDEPENDENT TRUSTEES' NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, upon the Second Amended Complaint; the accompanying Memorandum of Law; and upon all prior papers, Defendants Lynn L. Anderson, Steven J. Mastrovich, William L. Marshall, Patrick J. Riley, Bruce D. Taber, Richard D. Shirk and Henry W. Todd (collectively, the "Independent Trustees"), through the undersigned, will move this Court before the Honorable Richard J. Holwell, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, as soon as counsel may be heard, for an order, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., dismissing (i) the Section 12(a)(2) claim asserted against the Independent Trustees, and (ii) plaintiff's allegations of misrepresentations and omissions that the Yield Plus Fund's investment objective was to "seek high current income and liquidity by investing primarily in a diversified portfolio of high-quality debt securities and by maintaining a portfolio duration of one year or less."

Dated: August 27, 2010
New York, New York

Respectfully submitted,

/s/ Thomas J. Dougherty
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-- and --

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Counsel for Defendants
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Taber, Richard D. Shirk and Henry W. Todd

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as indicated on the Notice of Electronic Filing. I further certify that on August 27, 2010, I caused a true copy of the foregoing document to be served by first class mail, postage prepaid upon the following counsel:

Robert J. Dyer III
DYER & BERENS LLP
682 Grant Street
Denver, CO 80203

Dated: August 27, 2010

/s/ Thomas J. Dougherty
Thomas J. Dougherty